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I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THE DATE INDICATED BELOW.

BY: Don Marks Date: 6/22/04

**MAIL STOP ISSUE FEE**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re: Patent Application of: :  
Hideo Yokota et al.. :  
: Allowed: January 15, 2004  
Conf. No.: 9376 : Group Art Unit: 1764  
: :  
Appln. No.: 09/891,486 : Examiner: Ellen M. McAvoy  
: :  
Filing Date: June 25, 2001 : Attorney Docket No.: 8305-210 (NP102-1)  
: :  
Title: CUTTING OR GRINDING OIL COMPOSITION

**PETITION TO WITHDRAW NOTICE OF ABANDONMENT UNDER 37 CFR § 1.181**

This communication is in response to a Notice of Abandonment mailed May 27, 2004 for failure to pay the Issue and Publications Fees due April 14, 2004 in connection with the above-referenced application.

Please be advised that the Issue/Publication Fee was mailed to the United States Patent and Trademark Office on March 10, 2004. Copies of the Issue Fee Transmittal, check and postcard mailed on March 10, 2004 are enclosed herewith. Also enclosed is a copy of the relevant page from this firm's issue fee log noting the date the issue fee was paid. This request is being submitted on the ground that the failure to respond was inadvertent and resulted from an error at the United States Post Office. We just learned of the abandonment upon receiving a Notice of Abandonment (copy enclosed) mailed on May 27, 2004.

In view of the above, it is respectfully requested that the Notice of Abandonment be withdrawn. Since the United States Patent and Trademark Office never cashed our check and it was never returned to us by mail, we are submitting a new check in the amount of \$1,660.00. It is respectfully submitted that this application is now in condition for issuance and such action is

respectfully requested.

Inasmuch as the Issue Fee was mailed in a timely manner, the Applicants do not believe any petition fee is due. However, should a fee be necessary, any fees/overpayments are authorized to be charged/credited to our firm's **Deposit Account No. 50-1017 (Billing No. 208305.0210)**. One additional copy of this paper is enclosed for accounting purposes.

Respectfully submitted,

**HIDEO YOKOTA ET AL.**

June 22, 2004  
(Date)

By:

William W. Schwarze

**WILLIAM W. SCHWARZE**

Registration No. 25,918

**AKIN GUMP STRAUSS HAUER & FELD LLP**

One Commerce Square

2005 Market Street, Suite 2200

Philadelphia, PA 19103-7013

Telephone: 215-965-1200

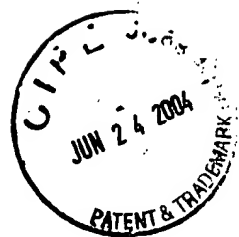
**Direct Dial: 215-965-1270**

Facsimile: 215-965-1210

E-Mail: [wschwarze@akingump.com](mailto:wschwarze@akingump.com)

WWS/DCM

Enclosures



ATTY WWS/DEM SECY \_\_\_\_\_ PATENT RETURN POSTCARD  
ATTY DKT # 8305-210 TODAY'S MAILING DATE 3/10/04  
EXPRESS MAIL # \_\_\_\_\_ /CERT OF MAIL/CERT OF SERVICE  
PAT APP/PATENT/REEXAM/INTF# 09/821,986  
OF Hydro. Grout  
FOR: Cutting or Grinding Oil Composition  
RECEIPT IS ACKNOWLEDGED BY THE USPTO FOR THE FOLLOWING:  
\_\_\_\_ PAT AP (PROV/NON-PROV/DES/REISSUE) \_\_\_\_ CPA REQUEST  
\_\_\_\_ DECL & POW (EXECUTED/UNEXECUTED) \_\_\_\_ AMEND/REQ RECONS/ RESTR.REQ. RESPONSE  
\_\_\_\_ PAGES TOTAL TEXT \_\_\_\_ RESPONSE TO MISSING PARTS  
\_\_\_\_ TOTAL # CLAIMS \_\_\_\_ INF.DISC.STMT. PTO-1449 & \_\_\_\_ REFS  
\_\_\_\_ SHEETS DRAWING (FORMAL/INFORMAL) \_\_\_\_ PET.EXT.TIME \_\_\_\_ MONTHS  
\_\_\_\_ SEQUENCE LISTING (PAPER COPY/DISK) \_\_\_\_ ASSIGN/CHG NAME/MERGER/SEC. INT  
\_\_\_\_ COMPUTER CODE \_\_\_\_ PTO-1595 FORM  
\_\_\_\_ PRELIMINARY AMENDMENT \_\_\_\_ VERF.STATE. - SMALL ENTITY  
\_\_\_\_ PRIORITY DOC. \_\_\_\_ NOTICE APPEAL/APPEAL BRIEF/(3 COPIES)  
COUNTRY \_\_\_\_\_ NO. \_\_\_\_\_ SUPPL. DECL. \_\_\_\_\_  
\_\_\_\_ TRANSMITTAL LTR (US/PCT/NAT'L PHASE) \_\_\_\_ FEE AUTH (FINAL/MAINT/DISCLAIMER)  
\_\_\_\_ REV/APPT OF ATTORNEY \_\_\_\_ REQUEST (STATUS/CERT/NE CORR/COR FILING RT/REFUND)  
TOTAL FEES AUTH CHARGED DEP ACCT. # 50-1017 \$ for \$1660.00  
OTHER (PAPER TITLE) Check # 100135

N GUMP  
AUSS HAUER & FELD LLP  
Attorneys at Law

Mail Stop Issue Fee  
c/o Technology Group 1764  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Vendor ID: 37417

DIRECTOR OF THE US PATENT &amp; TRADEMARK

Check #: 100135

Check Date: 03/10/2004

Invoice Number	Invoice Date	Invoice Amount
208305.0210-MAR04	3/10/2004	1,660.00
	Total	1,660.00



DOCUMENT HAS A COLORED BACKGROUND. SECURITY FEATURES LISTED ON BACK.

AKIN, GUMP, STRAUSS, HAUER &amp; FELD, L.L.P.

DISBURSEMENT ACCOUNT

A REGISTERED LIMITED LIABILITY PARTNERSHIP  
INCLUDING PROFESSIONAL CORPORATIONS1333 NEW HAMPSHIRE AVENUE, N.W.  
WASHINGTON, DC 20036

(202) 887-4000

Citibank Delaware

One Penns Way New Castle DE 19720

Check No: 100135

62-20311

DATE 03/10/2004

AMOUNT OF CHECK

\$ \*\*\*\*\*1,660.00

ONE THOUSAND SIX HUNDRED SIXTY AND 00/100 DOLLARS

PAY

VOID AFTER 6 MONTHS

DIRECTOR OF THE UNITED STATES PATENT & TRADEMARK  
OFFICE

AUTHORIZED SIGNATURE

09/801,986  
208305.0210

⑈ 100135 ⑈ ⑆031100209⑆ 38641612⑈

CIP 2 JUN 24 2004  
 PATENT & TRADEMARK OFFICE

Need to bill for NOA when pay issue fee!

# ISSUE FEES DUE - April 2004

Date	Docket No.	Drawings	Publ. Fee Due	Comments	Paid By
4/7/04	9982-23	NO	YES	paid 3/1/04	WWS/DCM
4/5/04	9982-22	NO	yes	paid 2/25/04	WWS/TMF ✓
4/12/04	10407-3004	NO	YES	paid 3/9/04	MGB/DCM
4/7/04	10660-89	NO	yes	paid 3/26/04	WWS/TMF ✓
4/15/04	10059-349	NO	NO	paid 2/25/04	WWS/DCM
4/19/04	8305-210	NO	YES	paid 3/10/04	WWS/DCM
4/21/04	10059-396	NO	YES	paid 3/1/04	WWS/DCM
4/21/04	10059-371	NO	<del>YES</del> NO	paid 3/18/04	KAB/DCM
4/21/04	9250-4401	NO	YES	paid 4/5/04	LS/DCM
4/23/04	6438-252	NO	YES	pd 3/9/04	
4/23/04	6023-146	YES	YES	pd 4/21/04 w/ drawings	MGB/DCM
4/26/04	9163-269	NO	YES	paid 4/12/04	MGB/DCM
4/21/04	9003-269	NO	NO	paid 3/26/04	WWS/TMF ✓
4/21/04	10844-19	NO	yes	paid 3/26/04	WWS/TMF ✓
4/23/04	3908-64	NO	yes	paid 4/14/04	WWS/TMF ✓
4/23/04	927-82	NO	yes	paid 4/15/04	WWS/TMF
4/23/04	10059-391	NO	YES	paid 3/5/04	WWS/TMF ✓
4/26/04	7234-12	NO	YES	paid 4/2/04	LE/DCM
4/27/04	9448-120	NO	YES	paid 4/15/04	CAS/DCM
4/28/04	10499-874	NO	NO	paid 4/12/04	MGB/DCM
4/30/04	263-90	NO	NO	paid 3/10/04	MGB/DCM
4/27/04	10660-5001	NO	NO	paid 3/9/04	MGB/TMF ✓
4/29/04	10499-20702	yes	NO	don't pay per MGB 4/2/04	



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,486	06/25/2001	Hideo Yokota	8305-210US (NP102-1)	9376

570 7590 05/27/2004

AKIN GUMP STRAUSS HAUER & FELD L.L.P.  
ONE COMMERCE SQUARE  
2005 MARKET STREET, SUITE 2200  
PHILADELPHIA, PA 19103-7013

EXAMINER

MCAVOY, ELLEN M

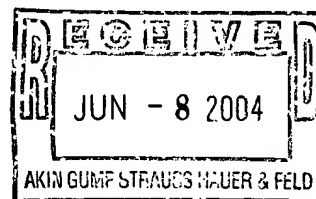
ART UNIT

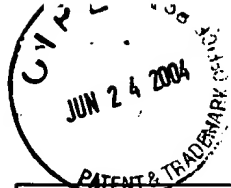
PAPER NUMBER

1764

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.





UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/891,486

EXAMINER
----------

ART UNIT	PAPER NUMBER
----------	--------------

DATE MAILED:

### NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
- ☐ A reply (with Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_ which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on \_\_\_\_\_, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.
- ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85)(or Notice of Publication Fee Due).
- ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required, by 37 CFR 1.18(d) is \$\_\_\_\_\_.
- ☒ The issue fee and publication fee, if applicable, have not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
- ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: \_\_\_\_\_

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

(X)





## Attachment to Notice of Abandonment

For questions concerning the notice contact

Office of Patent Publication

**Image Assistance Center: 888-786-0101.**

Information is also available on the USPTO Internet web site:

<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

### Respond to the Notice of Abandonment by one of the following:

- 1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing; 37 CFR § 1.10 "Express Mail" mailing; or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

- 2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required**

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

- 3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

**Note:** Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment